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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/590,174	08/18/2006	Fulvio Boldrini	2545-0511	4037												
7590 Timothy J Klima Harbin King & Klima 500 Ninth Street SE Washington, DC 20003		12/21/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">DEUBLE, MARK A</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3651</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>12/21/2007</td><td>PAPER</td></tr></table>		EXAMINER		DEUBLE, MARK A		ART UNIT	PAPER NUMBER	3651		MAIL DATE	DELIVERY MODE	12/21/2007	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

10/590,174

### Applicant(s)

BOLDRINI ET AL.

### Examiner

Mark A. Deuble

### Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,12,17 and 19 is/are rejected.
- 7) ☒ Claim(s) 2,3,6-11,13-16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/18/2006</u> .   | 6) <input type="checkbox"/> Other: ____                           |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 5 is objected to because of the following informalities: Claim 5 depends from itself. It appears that claim 5 should depend from claim 1. Appropriate correction is required.
2. Applicant is advised that should claim 5 (rewritten to depend from claim 1 be found allowable, claim 15 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
3. Claim 12 is objected to because of the following informalities: Claim 12 is written as a dependent claim but it depends from no other claims. It appears that claim 12 should depend from claim 11. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 5, 12, 17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of claims 5 and 12 is impossible to ascertain because of the problems with their dependency pointed out above.

Claim 17 recites the limitation "the auxiliary, outfeed, and hold down belts" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. It appears that the claim should be amended to depend from claim 9 so that proper antecedent basis is provided.

Claim 19 recites the limitation "the elevating platform" in line 2. There is insufficient antecedent basis for this limitation in the claim. It appears that the claim should be amended to depend from claim 2 so that proper antecedent basis is provided.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by PCT document number WO 01/85581 A1.

The PCT document shows a unit for feeding products P in an ordered succession. The conveying unit includes a conveyor unit 10 with pockets 24/25 that receives the products from a dispensing device (not shown) and transports them along a predetermined path to a transfer station 15 that in turn transports the products to an outfeed conveyor. The conveyor unit has a first belt 21a and a second belt 21b placed one beside the other and set in motion by independent drive means (see p. 11, ln. 13-15). The pockets are arranged in first and second groups alternated one with another along the predetermined path, each comprising a given number of pockets ordered at constant pitch and associated respectively with the first belt and second belt.

While the mounting of the pockets on their respective conveyors is not shown in detail, it is

apparent that they each include supporting elements that are secured to the respective belt such that it is cantilevered to overlap the other belt (See Fig. 1). The transfer station includes a transfer unit operating between the conveyor unit and the outfeed conveyor in the form of transfer means 64 by which products are ejected from the pockets and transferred at predetermined intervals to the outfeed conveyor. The movement of the first and second belts and the transfer station must inherently be governed by a control unit (not shown) in such a way as to establish a predetermined phase relationship with the operating frequency of the ejection and transfer means. If some control did not establish this phase relationship, the apparatus would not achieve its stated operation. Thus the PCT document shows all the structure required by claims 1 and 4.

***Allowable Subject Matter***

8. Claims 2-3, 6-11 and 13-16, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 5, 12, 17, and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (571) 272-6912. The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark A. Deuble  
Primary Examiner  
Art Unit 3651

A handwritten signature in black ink, appearing to read 'Mark A. Deuble', written over a horizontal line.

md